

REMARKS

Applicants, through their attorney, respectfully request the Examiner to consider the application in view of the included remarks. Entry of these remarks after final rejection, and consideration of this response, is requested because it is believed to put the claims in condition for allowance or, alternatively, to simplify issues for possible appeal.

Support

Applicants have amended claim 1 to include the limitations of claim 17 and claims 5 and 16 have been amended to include the limitations of claim 19. Claims 1, 5 and 16 now specify that the lubricant formulation referred to in the claims has a sulfated ash content of 0.8% to 1.2%. Support for these amendments comes from claims 17 and 19, now cancelled.

Applicants have also amended claim 18 to remove the limitation now present in claim 1 in order to avoid repetition.

No other elements of the claims have been changed.

Response

The Examiner has rejected claims 1 and 17-19 under 35 U.S.C. 102(e) as being anticipated by Calder (US 6846782). The Examiner also rejected claims 1-16 under 103(a) as unpatentable over Fetterman, Jr. et al. (US 5102566) in view of Davis (US 4582618) and claims 11 and 20 under 103(a) as unpatentable over Fetterman, Jr. in view of Davis in view of Abraham et al. (US 2002/0006878).

Applicants note that claims 17-19 were only rejected under 102(e) as being anticipated by Calder and no other rejections of claims 17-19 have been made. All of the present claims now incorporate the limitations of claims 17 and 19. Accordingly the 102(e) rejection based on Calder would be the only current rejection that would apply to the amended claims.

The present application claims priority from U.S. provisional application 60/465072, filed on April 23, 2003. Calder issued on January 25, 2005, after the April 23, 2003 priority date of the present application. Calder (US 6846782) was filed on April 4, 2003 and was published as US application 04-0198614 on October 7, 2004. Calder does not claim priority to any earlier filing and the US publication date is believed to be the earliest date of publication of the application or any equivalent. The October 7, 2004 publication date for Calder is after the April 23, 2003 priority date of

the present application. Therefore, Lange qualifies under 102(e) as prior art against the present application but not under any other section of 102.

Applicants submit herewith a declaration showing that the present invention was completed (conceived and reduced to practice) prior to April 4, 2003. Specifically, the chemical identities and formulations of the compositions and processes of the present invention are provided along with the results of testing completed at the time. Due to the antedating by the declaration, Calder is not an available reference against the present application. Applicants respectfully request all rejections based on Calder be removed.

Conclusion

For the foregoing reasons it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

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